AGENDA
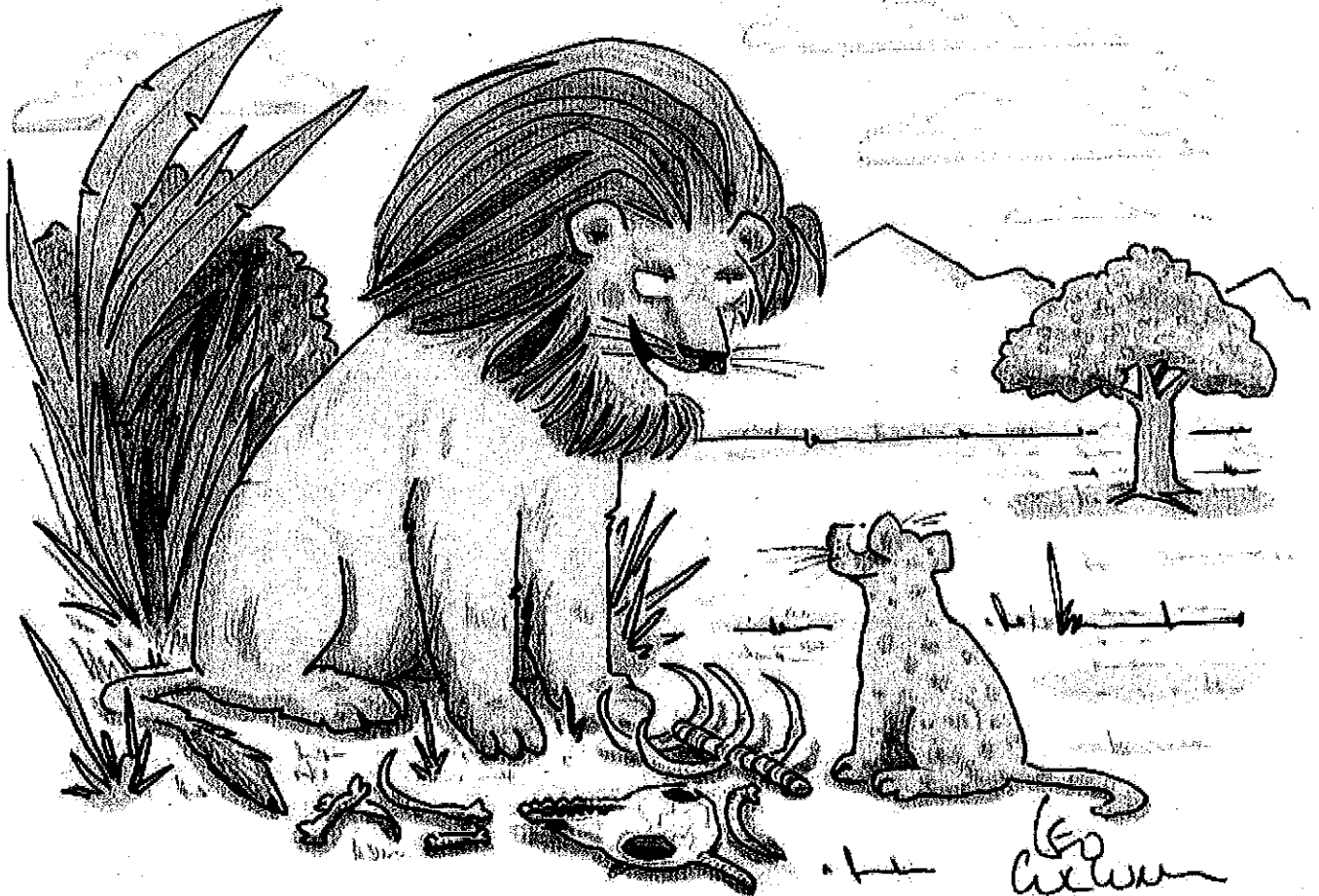# TEXCOM MEETING
Trusts and Estates Section
State Bar of California
Saturday March 15, 2008
9:30 am-3:30 pm
DOWNEY BRAND offices
555 Capitol Mall, 10th floor
Sacramento, California

"*Fortunately, the law of the jungle doesn't require lawyers of the jungle.*"

I. WELCOME, INTRODUCTIONS, AND REPORTS OF CHAIR/VICE
    CHAIR AND ADMINISTRATOR (15 minutes)

    A. Welcome   [Stern]
    B. Approval of Minutes of February 9 Meeting   [Stern]
    C. Report of Chair (7 min)— Retreat Calendar   [Stern]
    D. Report of Vice Chair (5 min)
        Finance and Budget -- Financial Report   [Tong]
    E. Report of Section Administrator   [Orloff]

COMMITTEE, TASK FORCE AND LIASION REPORTS
  II. NOMINATING COMMITTEE (10 minutes)   **[HARTOG]**

III. LEGISLATION (80 minutes)   **[COREY-REGGIARDO]**
    A. Introduction to Ray LeBov, our lobbyist
       Ray's Contacts: 916-442-5009 land line
                916-524-2573 cellphone
                judco12000@yahoo.com
    B. Timeline for TEXCOM legislative proposals—
    C. Priorities for Bills Presently in Legislature
    D. Mandatory procedures re legislative proposal format
    E. Mandatory procedures re position papers format
    F. Online Bill Tracking legislative information:
       www.leginfo.ca.gov/ [GO TO THIS SITE FOR TEXTS OF ANY BILLS
       THAT HAVE NOT BEEN UPLOADED TO THE AGENDA PACKET]
       CapitalTrack sites (See Legislation Committee Workroom Folder)
IMPORTANT GUIDELINES:
- Please use approved format for legislative proposals.
- Please use approved comment form for legislation comments.
- Always write to Saul Bercovitch, not directly to a member of legislature or legislative staff.
- Confirm testimony needs with Legislation Chair.
  - If you agree to testify, be there unless otherwise notified.

Bills, by Subcommittee:
    (1) Trust-Estate Administration
        a. SB 1315 (Harman-Nonprobate transfers-SPOT BILL)
           Recommendation: Follow
        b. SB 1421 (Harman-Trust admin-Inc. and Principal) [BURGER]
           Recommendation: [none—to discuss]
    (2) CLRC:
        a. SB 1264 (Harman—Wills and Trusts—NO CONTEST)
           Recommendation: OPPOSE UNLESS AMENDED [HORTON]
    (3) Estate Planning
        a. AB 1528 (Wyland-Prenuptial Agreements)   [SCHROTH]
        b. AB 2149 (Berg-Investment Advisors)

Recommendation: Follow   [HOWARD]

    c. AB 2248 (Spitzer-Formal Will Witness Requirements-
       Harmless Error)
       TEXCOM BILL: Support   [REGGIARDO]

    d. AB 2452 (Davis-Notaries-Fees and Educational
       Requirements)
       Recommendation: Follow   [EHRMAN]

    e. SB 685 (Yee-Pet Trust Legislation)   [SHENONE]
       Recommendation: Support if Amended]

    f. SB 1066 (Migden-Domestic Partnerships)   [SCHROTH]
       Recommendation: Follow

    g. SB 1224 (Machado-Viatical Settlements)   [REGGIARDO]
       Recommendation: Follow

    h. SB 1396 (Cox-Recording Fees)   [EHRMAN]
       Recommendation: Follow

(4) Incapacity
    a. AB 2947 (Eng-Elder and Dependent Adult Abuse;
       Waiver of Rights—Arbitration)   [COREY]
    b. SB 573 and AB 367 Annuity standards   [COREY]
    c. SB 1140 (Steinberg-Financial Abuse)   [COREY]
    d. SB 1259 (Margett-Crimes against elders and dependent
       adults)   [STERN]

(5) Conservatorship Working Group
    a. AB 1880 (Tranh-Conservatorship- recovery bond)   [COREY]
       Recommendation: OPPOSE-(subject to modification)
    b. AB 2247 (Spitzer-conservatorship investments)   [STERN]
       TEXCOM BILL: Support
    c. SB 800 (Corbett-Conservatorships-JC Task Force) [LODISE]
       Recommendation: OPPOSE UNLESS AMENDED

IV. EDUCATING SENIORS (15 minutes)   [SALLUS]
    a. Senior Symposium
    b. Senior Information Cards

V. TRUST - ESTATE ADMINISTRATION (15 minutes)   [BURGER]

    A. "Large Estate Affidavits"   [Henden]
    B. Accounts & Reports
    C. Trustee notification issue (PC 16061.7)
    D. Using powers of attorney to create trusts and wills
    E. Terms of trust under powers of appointment

VI. CLRC (25 minutes)   [HORTON]
A. Discussion of CLRC memo on TOD Deeds—AB 250 [HORTON-ITO]
B. Restrictions on donative transfers
C. Attorney-client privilege after death

VII. ESTATE PLANNING (20 minutes)   [MacDONALD]
A. Formal Will Witness Requirements(see Legislation)   [Reggiardo]
B. AB 250 Revocable TOD Deeds (see CLRC)   [Ito/Schenone]
C. Pet Trust Legislation (see Legislation)   [SCHENONE]
  D. Bus. Law Section Limited Partnership Handbook   [Crickard]
E. Rule against perpetuities   [GAW]
F. Statutory Power of Attorney—PC 4462(b), 4264(d),
    4457(d)—Conformity of powers issues   [HOWARD]
G. Anti-Lapse Statutes—Conflict with Intentional
    Disinheritance—PC 21110, 21111   [EHRMAN]

VIII. ETHICS (15 minutes)   [LODISE]
A. RRC Work on 3-310
B. Ethics Guide Status
C. Law Practice Management and Technology Section Letter: Request for
TEXCOM to oppose Rule of Court and Rule of Professional Conduct Requiring
Disclosure of Malpractice Insurance by Counsel   [Counsel disclosure of malpractice
insurance status] (Rules of Court 950.5, 950.6, CRPC proposed Rule
3-410) MARCH 17 DEADLINE FOR RESPONSE

LUNCH

IX. EATE (5 minutes)   [BURGER-HARTOG]
A. E poll results to date

X . COUNCIL OF DELEGATES (3 minutes)   [HENDEN]

XI. NCCUSL (3 minutes)   [FITZPATRICK]

XII. INCAPACITY COMMITTEE (15 minutes)   [LODISE]
A. Professional Fiduciaries Bureau   [Matulich]
   Introduction to Mellonie Yang, director of Dept. of Consumer
    Affairs Professional Fiduciaries Bureau
B. Bills to Watch: See Item 3, Legislation
C. Probate Code section 1470 (Appointed counsel for the already
Represented)   [Beltran-Lee]

D.   Uniform National Guardianship and Protective Proceedings
Jurisdiction Act

XIII.   CONSERVATORSHIP WORKING GROUP (5   minutes)   [COREY]
See Item 3, Legislation.

XIV.   INCOME/TRANSFER TAX (5 minutes)   **[JAECH]**

XV. LITIGATION (10 minutes)   **[ZABRONSKY]**
Attorney Fee Shifting

XVI.   TECHNOLOGY (5   minutes)   **[GAW]**
A.   E-News
B.   Workroom issues
C.   Website cleanup and oversight

XVII. EDUCATION (5 minutes)   **[ITO]**
A.   2008   Stand Alone programs—2008 proposals
a.   "Problems Fiduciaries Get Into"—5/30, 6/13
b.   "Property Through the Generations"– 4/25
B. Monterey Annual Meeting Programs
C.   Your Legal Rights   **[EHRMAN]**

XVIII.   MEMBERSHIP AND MARKETING (3 minutes)   **[LAWSON]**

XIX. CEB (3 minutes)   **[GOOD]**

XX. QUARTERLY (5 minutes)   **[HAND-HAYES]**

XXI.   NEW BUSINESS

XXII.   COMING ATTRACTIONS

NEXT TEXCOM MEETING
May 2-4, 2008
Tenaya Lodge, Yosemite!